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Attorneys for Quenby's Aesthetic Medicine and
Wellness Center

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

TAMARA WAREKA aka TAMARA
WILLIAMS,

Plaintiff,

vs.

QUENBY'S AESTHETIC MEDICINE
AND WELLNESS CENTER; and
DOES 1 through 10 inclusive,

Defendant.

Case No. 3:20-cv-02087-SB

**DEFENDANT QUENBY'S
AESTHETIC MEDICINE AND
WELLNESS CENTER'S ANSWER
AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT**

DEMAND FOR JURY TRIAL

Defendant Quenby's Aesthetic Medicine and Wellness Center ("Defendant") answers Plaintiff's complaint as follows:

ANSWER TO COMPLAINT

1.

Defendant denies all allegations against it except as expressly admitted below.

/ / /

4851-1454-9209.1

DEFENDANT QUENBY'S AESTHETIC MEDICINE AND WELLNESS CENTER'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT
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JURISDICTION AND VENUE

2.

Defendant admits the allegations in paragraphs 1 through 4 regarding jurisdiction and venue.

PARTIES

3.

Answering paragraph 1, Defendant is without sufficient information to admit or deny and therefore denies.

4.

Defendant admits the allegations in paragraphs 3 and 4 regarding Defendant's principal place of business and web presence.

5.

Answering paragraphs 4 and 5, Defendant is without sufficient information to admit or deny and therefore denies.

FACTUAL ALLEGATIONS

6.

Answering paragraphs 6, 7, 8 and 9, Defendant is without sufficient information to admit or deny and therefore denies.

7.

Answering paragraph 10, Defendant admits only that Exhibit C is a copy of a post on Defendant's web page that was posted/published by Defendant. Defendant does not accept the characterization of "infringing post." Defendant denies all remaining allegations in paragraph 10.

/ / /

8.

Answering paragraph 11, Defendant is without sufficient information to admit or deny and therefore denies.

9.

Answering paragraph 12, Defendant admits only that it's web page contained images posted/published by Defendant. Defendant does not accept the characterization of "infringing post." Defendant denies all remaining allegations in paragraph 12.

10.

Defendant admits paragraph 13.

11.

Defendant denies paragraph 14.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
17 USC § 101 *et seq*

12.

Answering paragraph 15, Defendant restates its answers to the referenced paragraphs and allegations.

13.

Answering paragraph 16, Defendant admits that Defendant did not have consent to publish the image identified, but otherwise lacks information or belief to admit or deny the remaining allegations of paragraph 16 and therefore denies them.

14.

Answering paragraphs 17, 18, 19 and 20, Defendant denies.

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AFFIRMATIVE DEFENSE

15.

Defendant alleges that if the Defendant is found to be an infringer, that the infringement was innocent as that is defined in 17 USC Section 504(c)(2).

Defendant requests a jury trial.

WHEREFORE, Defendant Quenby's Aesthetic Medicine and Wellness Center prays for entry of judgment in its favor, including an award of its costs and disbursements incurred herein, as well as any additional relief that the Court deems just and equitable.

DATED this 26th day of January, 2021.

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Medicine and Wellness Center*

CERTIFICATE OF SERVICE

I certify that on January 26, 2021, I electronically filed the foregoing **DEFENDANT QUENBY'S AESTHETIC MEDICINE AND WELLNESS CENTER'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Attorneys for Plaintiff:

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mhigbee@higbeeassociates.com

_____ Via First Class Mail
_____ Via Facsimile
✓ Via CM/ECF Notice
_____ Via E-Mail

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